

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

FREEDOM COALITION OF DOCTORS FOR
CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION,

Defendant.

Civil Action No. 2:23-cv-9-Z

DEFENDANT'S MOTION TO DISMISS

Defendant respectfully moves to dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief, ECF No. 1, under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction and Federal Rule of Civil Procedure 12(b)(3) for improper venue. The grounds for this motion are set forth in the accompanying memorandum and supporting materials.

Dated: February 21, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Jody D. Lowenstein
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Counsel for Defendant

CERTIFICATE OF SERVICE

On February 21, 2023, I electronically submitted this document to the Clerk of Court for the U.S. District Court for the Northern District of Texas using the Court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
United States Department of Justice